

Fair Political Practices Commission

Memorandum

To: Chairman Randolph, Commissioners Blair, Downey, Karlan, and Knox,

From: Mark Krausse, Executive Director

Subject: Legislative Report

Date: September 18, 2003

Since no two-thirds-vote bills were approved by the Assembly in the final weeks of session, no PRA amendments were passed since my last report.

Senate Bill 1072 (Burton), which would have required more timely disclosure of the donors to political party committees that make contributions in state elections, failed passage on the Assembly Floor. Senate Bill 604 (Perata), the Commission-sponsored omnibus bill, was not taken up in order to avoid a similar outcome. One bill—AB 1678 (Negrete McCloud)—was passed in late August and awaits the Governor's signature.

Action Item		Bills Amending the PRA	
Bill No.	Author	Title	Introduced/Amended

AB 890 Wesson Last term member fundraising

Amended 8/28/03

This bill was a recent “gut and amend” to allow an elected state officer serving his or her last permitted term of office to accept contributions after the date of the election. It is similar to SB 467 (Johnson), except that the Johnson bill would impose Proposition 34's contribution limits on any post-election fundraising. This bill would do so only for committees formed for post-Proposition 34 elections. **In Senate Rules pending assignment. The Commission is asked to ratify the position of “oppose unless amended/support if amended” adopted by the Chairman's Subcommittee on Legislation. The amendment requested would 1) limit post-election fundraising by last-term officeholders to expenses related to holding office; and 2) impose Proposition 34 contribution limits on this and other fundraising. See attached bill, letter to the author, and draft amendments.**

Informational Items		Bills Amending the PRA	
Bill No.	Author	Title	Introduced/Amended

AB 1197 Wiggins School Officials: Conflicts of Interest

Amended 8/28/03

Includes in the definition of “designated employee” any board member, chief business officer, superintendent, assistant superintendent, deputy superintendent, associate superintendent, chief personnel officer, and general counsel of a public school district or county office of education, and equivalent positions, and any individual having governance or management responsibility in a charter school. **On Senate Floor. Failed passage, 25-15. (27 votes required)**

Informational Items — Bills Amending the PRA (cont'd)

Bill No.	Author	Title	Introduced/Amended
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AB 1501 Levine Voluntary expenditure limits Amended 8/26/03

Allows a state candidate, until the end of the fifth business day after the deadline to file nomination papers, to change his or her statement accepting or rejecting the voluntary expenditure limits at any time prior to the deadline for filing nomination papers, provided that he or she has not exceeded the voluntary limits. This bill would prevent a candidate from changing his or her statement more than twice after the deadline. **On Assembly Floor awaiting concurrence in Senate amendments. Commission Position: Support.**

AB 1623 Longville Public Financing of Elections: Freedom Drafts Amended 4/21/03

Repeals the prohibition on using public funds to obtain elected office. Provides for the creation of "Freedom Drafts," defined as a claim on an amount in the State treasury, for an individual to make one or more contributions to an eligible recipient, on a form prescribed by the Secretary of State, in the amount of not less than \$10 each, and which in the aggregate do not exceed \$100 in a calendar year. **In Assembly Elections.**

AB 1678 Negrete-McLeod Public Officials Amended 8/25/03

This bill would apply to all public officials the PRA's ban on the influencing of any governmental decision relating to those with whom a public official is negotiating, or has any agreement concerning, future employment. **Enrolled to Governor. Commission Position: Support if amended to add \$145,000 appropriation for increase in Commission workload.**

AB 1784 Wolk Political consultant/ lobbyist behavior Amended 8/28/03

Prohibits legislators from participating in decisions in connection with which a lobbyist, with whom the legislator has a business relationship, has attempted to influence the legislator. Defines business relationship, and requires legislators who recuse themselves under this section to disclose the nature of the business relationship on the record. **Urgency Clause. In Assembly Elections. Recommendation: Support if amended.**

AB 1785 Frommer Political consultant/ lobbyist behavior Amended 8/27/03

This bill prohibits a lobbyist from contacting a legislator with whom the lobbyist has or had a contract to provide political consulting services during the two year period for the purpose of influencing legislative action. **Urgency Clause. In Assembly Elections. Recommendation: Support if amended.**

SB 467 Johnson Last-term-officeholder fundraising Introduced 2/20/03

Allows an elected state officer serving his or her last term to accept contributions to pay for expenses associated with holding that office. The contributions are subject to Prop. 34 limits. **In Senate Elections.**

Legislative Report

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Informational Items — Bills Amending the PRA (cont'd)

Bill No.	Author	Title	Introduced/Amended
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SB 530	Johnson	SOS Lobbyist Directory	Amended 9/5/03
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Required the Secretary of State to establish the Internet Directory of Lobbyists, but has been rewritten to address Presidential elections, and no longer affects the PRA. **Withdrawn from Governor and to Assembly Floor.**

SB 604	Perata	Cumulative contributions	Amended 6/10/03
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Reintroduction of SB 3 (Commission sponsored) of last session, joined with several other provisions. Defines “cumulative contributions” to be those contributions received beginning 12 months prior to the date the committee made its first expenditure to qualify, support, or oppose the measure and ending within seven days of the time the advertisement is sent to the printer or broadcast station. Also modernizes the language of the Act relating to the filing of a statement of organization by deleting a reference to filing by telegram, and adds methods for filing, including facsimile transmission and guaranteed overnight delivery. Recently amended to reform the slate mail disclosure statutes at issue in Levine v. FPCC. **On Assembly Floor. Urgency clause. Commission Position: Sponsor.**

SB 641	Brulte	Campaign expenditures: telephone advocacy	Amended 7/1/03
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This bill would change the definition of “mass mailing” found in the Act from “mail” to a specific definition of what items delivered to a person constitute a mass mailing. It also adds language to the act prohibiting the expenditure by a candidate, committee or slate mail organization for anonymous telephone advocacy for a candidate, ballot measure, or referendum. The author accepted an amendment requested by the Commission to maintain a record of the call’s script or in the case of a prerecorded message, a taped copy. This would not apply to telephone calls made by the candidate, campaign manager, or volunteers. The author rejected a Commission sponsored amendment requiring disclosure at the beginning of the call, but took Commission language regarding retention of text or recording of content of message. **Urgency clause. In Assembly Elections. Hearing cancelled at request of the author.**

SB 733	Johnson	Political Reform Act spot bill	Introduced 2/21/03
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Placeholder measure. **In Senate Rules Committee for assignment.**

SB 1072	Burton	Political Reform Act: Late Contributions	Amended 6/9/03
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Adds contributions made to or received by a political party committee after the closing date of the last campaign statement required to be filed before an election to the definition of late contribution. Commission-drafted amendments were taken on 6/9/03. **On Assembly Floor. Failed passage, 46-1. Commission Position: Support.**